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UNCLAS SECTION 01 OF 02 COLOMBO 000029

SIPDIS

STATE FOR SA/INS, INL/AEE, EB/TPP/MTA/IPC,
AID/ANE:BBUNDY
DEPT PASS TO USTR:AWILLS
COMMERCE FOR ITA:ABENAISSA, JBOGER
TREASURY FOR SRI LANKA DESK:RADKINS

SENSITIVE

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [KIPR](#) [CE](#) [WTO](#) [USTR](#) [ECONOMICS](#)

SUBJECT: WITH NEW LAW, SRI LANKA MOVES AHEAD ON IPR
ENFORCEMENT

Ref: 03 Colombo 2017

Sensitive but unclassified. Please protect
accordingly.

11. (U) Summary: All members of a public/private IPR Working Group are moving forward to implement Sri Lanka's new strong IPR Law, with help from outside parties, including the USG. There is a window of opportunity now, with the GSL's desire to develop an effective implementation regime, but training, resources and experience are lacking. End summary.

Participants

12. (SBU) The Embassy-convened private sector IPR Working Group (IPR WG) meets monthly with GSL officials involved in the development and enforcement of a new IPR regime. Members in the Working Group represent US firms including IBM, Microsoft, Proctor and Gamble, Hallmark, Sony Music, Universal, 3M and Energizer as well as the American Chamber of Commerce. Government officials from the Intellectual Property Office, Customs, Police, Attorney General and Consumer Affairs are present for these meetings, and the group meets quarterly with the Minister of Commerce and Consumer Affairs.

13. (SBU) Econ Officer originally formed the IPR WG with companies that had come to the Embassy with complaints about lack of enforcement. Since the meetings with GSL officials began, the new Law was passed (see reftel), and enforcement officials appear ready to start implementation. They are constrained by inadequate resources, training, information and experience, but are very eager and open for assistance.

Actions

14. (U) Intellectual Property Office (IPO): To date, the IPO Director has given four public seminars on the new law, and a training session for the police. Another one is scheduled soon. The Office will also receive assistance from WIPO to print informational pamphlets and for training. The Director will help draft a Circular to be distributed to all Police Stations outlining the new responsibilities. The IPO has also begun placing ads in the media alerting the public to the stricter provisions of new law. The IPR WG will assist with a broader public awareness campaign.

15. (U) Police: All new recruits will get IPR Law training in their basic course starting in Jan.
12004. Current officers will receive IPR courses during normal in-service training. The curriculum is now being developed. Lectures will be given at Police training centers around the island. The IPO Office will organize one informational session with Police and Customs. A special unit within the 48-person Commercial Crimes Unit will be established and specially trained as IPR experts.

16. (U) Customs: Twenty-five Customs officers will attend an informational session given by the IPO Director. Officers in the Rapid Response Unit will be trained in IPR issues, and will be responsible for responding to all incidents 24/7. Officers receive incentives for seizing counterfeit goods.

17. (U) Attorney General: The AG's office agreed to establish an Intellectual Property Unit, and is considering allowing its Public Petitions Unit to be used as a Help Desk for IPR issues.

18. (U) The GSL has agreed requests made by the IPR

WG, including a commitment to place a tender for software each time the GSL tenders for computer hardware, to cease accepting ads for pirated goods in government-owned media, to stop selling pirated CDs in government-owned shops, and to consider having state-regulated entities, e.g., the Stock Exchange and SEC, make statements that it only uses fully licensed products.

Assistance Offered and Requested

9. (SBU) In addition to considerable previous efforts, Embassy has arranged for the following assistance to GSL officials:

-- An International Federation of Phonographic Industry (IFPI) Enforcement Officer from Dubai provided the Police CID a manual on conducting IPR investigations.

-- US Customs Officers from New Delhi will conduct training for SL Customs on identification, seizure and investigations for IPR violations in late January.

-- IFPI will conduct four days of training for police and customs officials in late February.

-- Embassy will assist in arranging a seminar for CEOs of the top companies in the country, hosted by the GSL.

11. (SBU) Coordinating these efforts is the Director of the Intellectual Property Office under the Ministry of Commerce and Consumer Affairs. He, along with the implementing agencies, has little guidance, and no new resources, to structure the enforcement regime. The IPR WG will assist where possible, but that group, too, lacks experience.

12. (SBU) Comment: The USG can take some credit for the seriousness with which the GSL is developing an implementation regime for the new IPR law. The desire for an FTA, as well as hearing from USG visitors from Commerce, USTR, and from the Embassy have pushed the somewhat reluctant Commerce Minister in the right direction. There is a window of opportunity now, with the GSL's desire to design a proper implementation regime in a situation that is not yet uncontrollable. Piracy abounds in the South Asia region, but Sri Lanka is not yet producing counterfeit goods in quantity. Pirated imports are a problem and can be countered now with the installation of effective procedures. The Commerce Minister wants to establish an IPR policing hub in Sri Lanka.

13. (SBU) Comment continued: Initial efforts have focused on training the responsible Police and Customs officers. No resources have yet been identified to provide training for lawyers and judges. Post will investigate possibilities with the US Patent Office, INL, USAID and others to assist the GSL at this critical time.

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